

United States' Treatment of American Indians

*Marge Hackett
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"If they can do it to us, they can do it to you."
—Indian Medicine Man

Introduction

Since the June 1977 article, "Genocide in South Dakota," I've been collecting pertinent information about the plight of American Indians.

A copy of your article was given to Congressman Leon Panetta, who sent me the reply from the Washington FBI Office. It is enclosed. Enclosed also are other news briefs concerning AIM and FBI tactics.

In Congress, several anti-Indian bills are pending that the public needs to be aware of. It is amazing that most people are unaware or apathetic toward the Indian situation.

As a medicine man recently stated, "If they can do it to us, they can do it to you."

Need we say more? Your publication can certainly open a few eyes.

Letter to Congressman Panetta

*From United States Department of Justice
Federal Bureau of Investigation
Washington, D.C. 20535*

*To Honorable Leon E. Panetta
Member of Congress
380 Alvarado St.
Monterey, CA 93940*

Dear Congressman Panetta:

Your letter of September 2, 1977, with enclosures has been received. For your information, I am enclosing a self-explanatory press release dated May 26, 1976, concerning the Anna Mae Aquash case.

The FBI has conducted an extensive investigation concerning the death of Ms. Aquash, which has not met with success.

You can be assured that FBI has been giving and will continue to give this case preferred attention.

Sincerely yours,

Clarence Kelley (signed)
Director

Corpse of Anna Mae Aquash

[Press Release]

United States Department of Justice
Federal Bureau of Investigation
Washington, D.C. 20535

May 26, 1976

FBI Director Clarence M. Kelley today issued the following statement relating to the identification of Anna Mae Aquash, a homicide victim whose body was found on the Oglala Sioux Indian Reservation, South Dakota, on February 24, 1976. Mr. Kelley stated that in view of recent press articles which have referred to the FBI's involvement in the events leading up to Ms. Aquash's identification and the determination of the actual cause of her death, he felt it advisable to explain the FBI's activities in this matter.

The body of Ms. Aquash, then unidentified, was found on the Reservation on February 24th by a rancher who notified the Bureau of Indian Affairs (BIA). Within 20 minutes of receipt of the report, officers of the BIA, accompanied by a Special Agent of the FBI who had never had any personal contact with Aquash and had never seen a photograph of her, arrived at the scene. The body was removed to the Pine Ridge Public Health Hospital. On February 25th, an autopsy was performed at the request of BIA by Dr. W.O. Brown, pathologist, Scottsbluff, Nebraska. No FBI Agents were present during the autopsy; however, FBI Agents had photographed the body prior to the autopsy. One FBI Agent who assisted in the photographing did know Ms. Aquash from previous personal contact; however, he did not recognize her on this occasion due to the advanced decomposition of her facial features.

Dr. Brown estimated the woman had been dead 7 to 10 days and he concluded in his examination that she had died of exposure. Due to the difficulty of obtaining fingerprints at the scene because of the deterioration of the body, an FBI Agent suggested that Dr. Brown could remove the hands for transmission to the FBI Identification Division, Washington, D.C., for examination. This was done. Removal of hands of fingers of unknown deceased for identification purposes is a procedure followed by many jurisdictions.

The body was interred at the direction of BIA on March 2nd. On March 3rd, FBI Headquarters telephonically notified the Rapid City, South Dakota,

FBI Office that fingerprints obtained from the hands of the victim were identified as those of Anna Mae Aquash, a Federal fugitive wanted for violation of the National Firearms Act and Bond Default. A communication was immediately sent to the FBI's liaison representative in Ottawa, Canada, to alert Canadian authorities to attempt to notify the next of kin. At the same time, FBI agents requested through the U.S. Attorney, Rapid City, a court order for exhumation of the body. An order for exhumation was issued. On the following day, Mr. Bruce Ellison, Wounded Knee Legal Defense/Offense Committee, contacted the Rapid City FBI Office. Acting as a representative of Ms. Aquash's family, Mr. Ellison requested that an independent autopsy be conducted by Dr. Garry Peterson, Minneapolis, Minnesota. The FBI representative readily agreed to this, and, in fact, delayed the exhumation proceedings for one day until Dr. Peterson could arrive from Minneapolis.

The body was exhumed on March 11th and Dr. Peterson conducted a second autopsy that same day. A small bullet wound was located below and to the rear of the right ear of the victim and a bullet was located behind the left eye socket. Dr. Peterson concluded that the cause of death was a gunshot wound. Thereafter the body of Ms. Aquash was turned over to Mr. Ellison for burial.

Mr. Kelley stated that with the medical determination that Ms. Aquash died of a gunshot wound, an intensive investigation was initiated by the FBI to identify Ms. Aquash's killer.

The FBI investigates violations of 13 specific major crimes in Indian country. It investigates such crimes only after the fact and is not a policing or protective organization.

False Testimony by Indian Witness

From Jon Newhall, Marlene Edmunds, Bill Hartman,
Shelley Buck, Scoop Sweeney
Zodiac News Service
950 Howard St.
San Francisco, CA 94103

Nov. 10, 1977

The Chief prosecution witness in last year's murder-conviction trial of American Indian Movement leader Dick Marshall has repudiated her testimony.

The witness, Myrtle Poor Bear, has submitted an affidavit to a South Dakota court, charging that she was coerced into testifying falsely against Marshall by two FBI Agents.

Poor Bear testified during Marshall's murder trial in April of last year that he had bragged to her on several occasions about shooting another man to death. Marshall was subsequently convicted, and is serving a life term in prison.

In her new affidavit, however, Poor Bear says that she made up her testimony after allegedly receiving repeated threats from two FBI Agents she identifies as "Bill Wood" and "David Price."

The statement accuses the two of showing Poor Bear pictures of Anna Mae Aquash, an American Indian

Movement activist who was found murdered nearly two years ago. The Poor Bear affidavit quotes the agents as telling her she would receive similar treatment if she failed to support the prosecution in the Marshall case.

Attorneys for Marshall are requesting a new trial on the basis of Poor Bear's sworn allegations.

The Defendants as Accusers

From Dave Lindorff
"Seven Days" Magazine

[date not supplied]

Ten months after their trial began in Los Angeles and three and a half years after they were first arrested for the murder of a cab driver, Native Americans Paul Skyhorse and Richard Mohawk will get their first chance to tell their side of the story as the defense begins its case this week.

Skyhorse and Mohawk, two activists in the American Indian Movement (AIM), plan to show that they were framed by the FBI and the local district attorney's office. The cabby, George Aird, was slain after he drove Marvin Redshirt, Marcie Eaglestaff and Holly Brousaard to a camp in Ventura County in California. Redshirt, who has admitted to stabbing Aird and who said on the stand last June that he "lied approximately 1,000 times" about the case, is the only prosecution witness to place Skyhorse or Mohawk at the scene of the crime.

The trial has now been moved from Ventura to Los Angeles after a racist skit called "People vs. Tonto" was performed by members of the Ventura Bar Assn., in the presence of the judge then hearing the case.

In nine months of presenting its case, the prosecution, headed by Deputy District Attorney Louis Samonsky, failed to present any concrete evidence that either Skyhorse or Mohawk were even at the scene of the crime. In fact, Samonsky's case collapsed around him as fast as he presented it, with witnesses defecting, getting jailed or altering their own prior testimony.

First the prosecution's key witness, Marvin Redshirt, took the stand last July and admitted to "uncertainty" about his recollections of the murder. Samonsky suddenly agreed to a plea-bar-gaining arrangement which would have ended the trial and let Skyhorse and Mohawk out of jail immediately.

That plan was blocked, however, when Judge Floyd Dodson refused to accept the agreement last June. The defense team notes that Dodson, defeated in November 1976 by a 2-1 margin by Santa Barbara voters, has a financial interest in seeing the trial continue. He was assigned to the case as a special judge called out of "retirement" and will continue to earn a salary of \$49,500 a year only until the trial is over.

The next blow to the prosecution came when Broussard, who had earlier claimed that Skyhorse and Mohawk each stabbed Aird four times, would

now not even claim that either defendant was at the scene of the crime.

Finally, Eaglestaff, the third essential witness in the prosecution's case, was jailed Oct. 3 for contempt of court, after defense attorney Leonard Weinglass asked her, "It is a fact, is it not, that the only persons who participated in the killing of George Aird on the night Oct. 10 were Holly Brossard, Marvin Redshirt and yourself?" Eaglestaff replied, "I am sorry, I can't answer that question." Judge Dodson ordered her to respond, and she still refused. He then sentenced her to jail indefinitely for contempt of court. She is still there.

In the face of such a weak prosecution case, the real question isn't whether or not Skyhorse and Mohawk are guilty, according to the defense team. It is why they were even indicted in the first place. And this is what the defense intends to explain in the coming weeks.

Attorney Jack Schwartz, who has been organizing the presentation of the defense case, told "Seven Days," "We're going to show that it was the FBI which got the Ventura County D.A. to indict the only two active AIM people in the area."

In fact, there is evidence of FBI activity even before the murder took place. The day of the murder, Skyhorse and Mohawk claim they were lured by a be-wigged woman, posing as an Indian and calling herself Blue Dove, to a demonstration in Los Angeles, where the two were secretly photographed by the FBI. The photos were later used by the prosecution to prove Skyhorse and Mohawk were "in the area." Blue Dove, alias Virginia Deluce, later admitted to being a paid FBI informant.

Another FBI link comes in the form of Douglass Durham — the man who rose to the position of "security director" in AIM before his FBI role was discovered and who was given the task of "investigating" the Ventura murder for AIM national leaders. In his report, he assured the AIM leaders that the two were guilty, and that ended all outside support for them until Durham was exposed a year later.

Now the defense intends to show that the FBI concretely framed the two defendants. "For once, we're going to pin down the specific acts by the FBI to disrupt AIM." And, whether they are able to convince the jury of their claims or not, the trial is sure to continue attracting observers like Amnesty International (which included Skyhorse and Mohawk on its list of political prisoners), who are interested in seeing justice done.

Prosecution Due to Begin Rebuttal in 10-Month-Long Indian Trial

From Bill Farr
The "Los Angeles Times"

March 6, 1978

With the trial of Paul Skyhorse and Richard Mohawk well into its 10th month, the defense has rested and the prosecution is due to begin its rebuttal today.

The defense abruptly ended its presentation last week after Superior Court Judge Floyd Dodson, who is presiding over the marathon case, refused to allow the defense to take testimony from 10 FBI agents.

Only 12 witnesses were called by the defense during its eight days of presenting evidence, a marked contrast to the 53 witnesses called by the prosecution over a nine-month period.

Skyhorse, 31, and Mohawk, 27, acting as their own attorneys with help from lawyers Leonard Weinglass, Franklin Glenn and Peter Brown, had sought the testimony of the FBI agents in an effort to support their contention they were "set up" by the federal law enforcement agency.

Basically, Dodson quashed the subpoenas for the FBI agents on the grounds that the testimony would be irrelevant to the murder charge against the two members of the American Indian Movement (AIM).

In his opening defense statement, Mohawk told the jurors that federal authorities were using the murder case to further their campaign to "discredit and destroy AIM."

Both defendants are accused of killing George Aird, a taxicab driver who was stabbed 17 times and then stuffed into a drainage pipe at the AIM camp in Box Canyon near Chatsworth.

During the defense presentation of the case, a former FBI informant called Blue Dove testified that she had spied on Skyhorse and Mohawk.

Called as a defense witness, Virginia DeLuce Wilson, also known as Blue Dove, said she was working as an FBI informant at the same time she was treasurer of AIM.

Her testimony was elicited to further fortify the defense claim that the FBI had infiltrated AIM for the purpose of suppressing militant activities by American Indians.

The 57-year-old Blue Dove, a one-time John Powers model and entertainer, told the seven-woman, five-man jury that the FBI gave her money from 1973 to early 1976 in return for her typewritten and oral reports on AIM activities.

She testified she had joined AIM before she agreed to work for the FBI.

She testified that she reported on the activities and whereabouts of Skyhorse and Mohawk from August, 1974, until October of that year.

Under cross-examination by prosecutor Louis Samonsky Jr., she testified that the FBI had contacted her and asked her to provide information.

When Samonsky asked her why she agreed to spy for the FBI, Judge Dodson sustained a defense motion and refused to let her answer that question.

Is the U.S. an Indian Giver?

From Wenonah Williams

Santa Cruz "Independent"
Dec. 23, 1977 - Jan. 5, 1978

A bill which would cancel all existing treaties between the United States and its Native American population prompted a visit here last week from American Indian Movement leader Lee Brightman.

Speaking to a standing-room-only crowd at the Good Fruit Company last Thursday, Brightman asked for the help of local residents because Native Americans "are a politically powerless people — we have no congressmen, governors, or even mayors. Our future depends on the support of non-Indian people."

Brightman expressed AIM's alarm over a bill introduced in September by conservative Republican Congressman John Cunningham of Washington State.

The bill directs the President "to abrogate all treaties entered into by the United States with Indian tribes in order to accomplish the purposes of recognizing that in the United States no individual or group possesses subordinate or special rights."

The bill, HR 9054, is inappropriately titled the "Native American Equal Opportunity Act," said Brightman.

"This bill will open all reservation lands up for taxation and non-Indian homesteading," Brightman explained.

He added that since the average annual income of the reservation dwelling Indian is only \$1,100, as soon as native land holders were unable to pay property taxes the United States could take possession of their lands.

Valuable deposits of uranium, coal, and oil will then conveniently fall into the hands of energy corporations, he noted.

A delegation of Indian leaders from many tribes testified in Geneva, Switzerland, September 20-23, 1977, at the United Nations International Conference on Discrimination Against Indigenous Populations in the Americas. The conference resolved that Indian tribes would be recognized as independent nations under international law.

Section 6 of "The Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere" states, "Treaties and agreements made with indigenous nations or groups shall not be subject to unilateral abrogation."

In no event may the municipal laws of any state serve as a defense to the failure to adhere to and perform the terms of treaties and agreements made with indigenous nations or groups."

HR 9054 breaks international law, said Brightman, and in effect declares war on the independent Native American nations.

Several right-wing groups are funding Cunningham's anti-Indian legislation. The largest such group is the Interstate Congress for Equal Rights and Responsibilities. Many of their members came

from organizations such as the John Birch Society and the Minutemen.

Brightman's lecture ended with a standing ovation as a demonstration of support from the Santa Cruz community.

The following day, December 16, AIM leaders Brightman, Dennis Banks, and Vernon Bellecourt appeared at the National Indian Coalition's first meeting at D-Q University near Davis, Calif. The coalition has been formed to unite Indian and non-Indian people in an effort to maintain and promote the Indian way of life. The group will inform the public of anti-Indian legislation and organize people from all races to lobby against anti-Indian bills.

Seventy-four tribes were represented at the two-day pow wow. Blacks, Chicanos, and whites also joined the tribal representatives in a show of cross-cultural support.

A series of workshops examined eight other anti-Indian bills now in Congress. These companion bills limit or eliminate Indian hunting, fishing and water rights.

HR 9951, sponsored by Meeds, Democrat of Washington state, extinguishes all claims to aboriginal rights to use of water. It suggests that if future needs require other than present usage, Indian tribes could purchase rights to the use of water acquired under state law.

HR 9950, also sponsored by Meeds, limits Native American rights to hunt and fish. "They believe that Indians are damaging the environment," Brightman stated ironically. Five major environmental groups are supporting these measures.

"Indians are the original environmentalists," Brightman pointed out. "This is why Indian lands contain the only remaining stores of uranium and coal."

Dennis Banks announced a campaign to call for the impeachment of Cunningham and Meeds in the state of Washington. "I will march from the Bay area to the Nevada border on February 11," Banks announced. That day is set aside for a local demonstration led by Brightman. December 25 has been declared by the coalition as a national day of prayer for an end to racism.

AIM is urgently in need of support to defeat the pending legislation. For more information contact Native American Support Group at 425-0908, or write to P.O. Box 660, Felton, CA 95018.

Anti-Indian Legislation, a Summary

HR 9054 directs the President to abrogate all treaties entered into by the United States with Indian tribes. If enacted, it will bring about a complete and final extermination of Indians.

Senate Bill 1437 is a threat to the freedom of everyone in this country. Special provisions relating to criminal jurisdiction over Indian country

are a threat to Native American people in their struggle for sovereignty.

Criminal jurisdiction means the power to prosecute and punish someone for a crime. Historically, tribes had complete jurisdiction over crimes committed by one Indian against another in Indian Country. Public Law 280, enacted in 1953, gave some states the power to punish Indian people for crimes committed on Indian Land. Each increase in jurisdiction for either the federal or state government is an attack on the tribes' inherent sovereignty. This attack on tribal sovereignty is continued in S.B. 1437. This bill contains wording so vague that an Indian could receive up to a 7 year sentence for driving five miles over the speed limit or cleaning one's gun in the presence of another. They are so broadly defined that they are subject to abuse by the federal prosecutor.

(HR 9054 was introduced by John Cunningham, Representative from Washington, on September 12, 1977. Senate Bill 1437 is a rewrite of S.B. 1)

HR 9950, introduced by Meeds (D., Wash.), would limit Indian hunting and fishing rights, by outlining that outside of Indian reservations, the state would regulate both tribal members and non-members although the tribe can forbid hunting and fishing by non-members. States can regulate both members and non-members within or outside reservation land for the purpose of conservation.

HR 9951, also introduced by Meeds, eliminates all claims to aboriginal rights to use of water. It is suggested that if future needs require other than the present usage, Indian tribes could purchase rights to the use of water acquired under state law.

HJR1, introduced by Meeds, creates the off-reservation Indian Treaty Fishing Rights Commission to buy out trade right.

HJR 206, introduced by Dingell, gives the states power to regulate hunting and fishing outside reservations by Indians.

HR 4169 and identical Senate Bill 842, by Cohen and Muskie, eliminate Maine Indian titles to lands under treaty.

HR 9175 provides Washington state controls for all Indian hunting and fishing off-reservation.

HR 9736, introduced by Cunningham, prohibits commercial sales of steelhead trout by Indians across the U.S. □

Davidson - Continued from page 3

I assume it was not the "Donovan Gaye" of the House Select Committee staff, whose resignation is mentioned earlier in Sprague's letter. But no other Donovan is mentioned by Sprague, and he gives no first name for "Donovan," who died before being interviewed by the Committee. Could you please set me and your other readers straight on this?

2. From the Editor

The last line of the April issue contains a serious misprint. For "Donovan," read "Donaldson." We regret this error. □

The Wounding of Governor John Connally of Texas November 22, 1963

Dr. John Nichols, MD
Associate Professor of Pathology
Dept. of Pathology and Oncology
Univ. of Kansas Medical Center
Rainbow Blvd. at 39th St.
Kansas City, KS 66103

I would like to call the attention of readers of "People and the Pursuit of Truth" to the fact that I have a limited number of reprints of my article (of twenty pages), "The Wounding of Governor John Connally of Texas, November 22, 1963," available at a nominal cost. These are reprints from the "Maryland State Medical Journal," October 1977.

The reprint includes 20 figures of: photographs, articles, bullets, diagrams, letters, records, etc. — substantial evidence. The article was rejected by more than 30 medical and scientific journals, and was at last published in October, 1977.

The article contains substantial evidence of perjury and subrogation of perjury.

Editorial Note: This is the sort of article "Pursuit" would like to reprint, but in its present form it is too long for us to do so. — ECB

Some Comments from a Reader

John P. Judge
6699 Springbank Lane
Philadelphia, PA 19119

Friends:

Thanks for the recent notice on "People and the Pursuit of Truth." Too bad you won't be doing all 12 issues in Volume 4. Hope there's no hassle for you, as I see that Evelle Younger is suing Ralph Ginzburg in court for just such a shortfall in promised issues of "Moneysworth." Since the flyer was sent to both current renewed and non-renewed folks, I'm not sure which my status is. I got the May issue and I think I'm up to date. If not, let me know. Hope you get more folks on your list.

Your flyer provided a teaser for the non-renewed but no information on price or renewal instructions, so I'm writing instead.

The newspapers say we'll get nothing but more cover-up from the new committee. The AIB says wait and see. "Yipster Times" says they'll blow the lid off the case. I say, and have always said, they will follow the Sam Anson scenario: put the blame on some Cubans, some right wingers, and some CIA renegades and they will all be dead. The real culprit lies deeper: its initials are DIA.

Editorial Notes: 1. JPJ is paid through January, 1979. 2. If the number of subscribers for the 4th volume reaches 350, we shall issue all 12 issues with some kind of suitable numbering. 3. Perhaps DIA stands for Defense Intelligence Agency. — ECB